

Translation

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PATENT COOPERATION TREATY

PCT/EP2003/013220



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P112874/WO/1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013220	International filing date (day/month/year) 25 November 2003 (25.11.2003)	Priority date (day/month/year) 28 November 2002 (28.11.2002)
International Patent Classification (IPC) or national classification and IPC G02B 27/01		
Applicant DAIMLERCHRYSLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 22 March 2004 (22.03.2004)	Date of completion of this report 25 January 2005 (25.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-8, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 2-7, 9, 10/1, 8, filed with the letter of 13 August 2004 2005 (13 August
- ☒ the drawings:
 pages 1/1, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

Introductory Observations

1. The amendments submitted with the letter of 13 January 2005 introduce substantive matter that, contrary to PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed.

In particular, the wording of lines 10-11 of claim 1 and of lines 24-25 of claim 8 cannot be found in the passages of the original version of the application cited by the applicant. A teaching whereby the display is placed in the user's peripheral field of view cannot be derived directly and unequivocally from the application as originally filed. Thus the corresponding amendments in claims 1 and 8 cannot be accepted.

2. Irrespective of the above objections, claims 1 and 8 are not clear within the meaning of PCT Article 6 for the reasons below.

An attempt is made in claims 1 and 8 to define a display device in terms of the field of view of a user that is not part of the claimed device. Since it is not clear on the one hand by what the "peripheral field of view" is restricted, while on the other hand the user does not belong to the claimed device and its direction of view is completely undefined, it is not clear what structural features of the display device are intended to be defined. For the purposes of the examination, the corresponding passages of claim 8

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I. Basis of the report

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(lines 24-25) and of claim 1 (lines 10-11) are not considered to have a restricting effect.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D4: US6437758 B1

D5: US20020044152 A

2. The subject matter of independent claims 1 and 8 is not novel within the meaning of PCT Article 33(2) for the following reasons:

2.1. Document D4 discloses (see figure 1) a display device 147 with means 155 for detecting the direction of view of a user and with means 102 for varying the displayed information. The means 102 make it possible to modify the display size of the displayed information as a function of the direction of view of the user (see figures 10-17 and the associated description). Therefore, document D4 discloses all of the structural features of claim 8.

2.2. Similarly, the subject matter of claim 8 is anticipated by document D5 (see abstract). In particular, the possibility of modifying the image information is considered to be implicitly disclosed.

2.3. An analogous argument applies in view of the method defined in claim 1.

3. Furthermore, it is noted that the solution proposed in claims 1 and 8 of the present application, even if it were novel, does not involve an inventive step (PCT Article 33(3)).

Varying the size, shape, color, etc. of displayed information for various purposes as a function of signals of a view direction detector is known from documents D4 and D5. For a person skilled in the art, adapting the known devices to particular requirements, such as selecting the direction of the size modification (enlarging or reducing) when the view is focussing on the display, is an obvious embodiment option that does not involve an inventive step at all. Therefore, a person skilled in the art would arrive directly at the subject matter of claims 1 and 8.

4. Dependent claims 2-7, 9 and 10 do not appear to contain any additional features that, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step. The reasons are as follows:

Claims 2-7: The modification of the specific parameters is generally known (see D4 and D5).

Claim 9: Document D4 discloses an image processing device for detecting the direction of view (see figure 2 and the corresponding description).

Claim 10: The use of the known display device is not associated with unexpected effects and thus cannot be considered inventive.